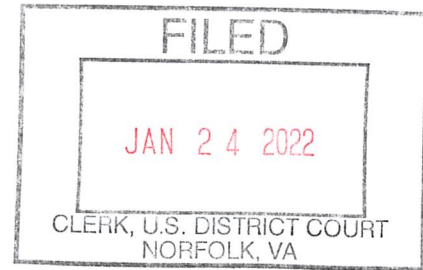


UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division



TEDDY LEON PARKER, #1087440,

Petitioner,

v.

ACTION NO. 2:20cv533

HAROLD W. CLARKE,  
The Director of the Virginia  
Department of Corrections,

Respondent.

**FINAL ORDER**

Petitioner Teddy Leon Parker (“Parker”), a Virginia inmate, submitted a *pro se* petition, pursuant to 28 U.S.C. § 2254, asserting his federal rights were violated when he was convicted in the Circuit Court for the City of Newport News in 2017, for possession of cocaine and possession of marijuana. ECF No. 1, at 1. As a result of the convictions, Parker was sentenced to ten years with five years suspended. *Id.* Respondent filed a motion to dismiss the petition with a memorandum in support. ECF Nos. 14–16.

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for report and recommendation. The report and recommendation, filed November 18, 2021, recommends that respondent’s motion to dismiss, ECF No. 14, be granted, and the petition, ECF No. 1, be denied and dismissed with prejudice. Each party was advised of the right to file written objections to the findings and recommendations made by the

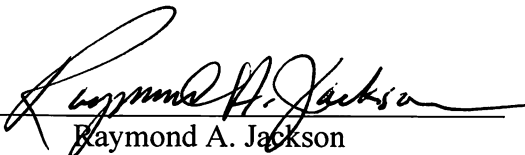
Magistrate Judge, and no objections have been filed.

The Court, having reviewed the record, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that respondent's motion to dismiss, ECF No. 14, is **GRANTED**, and the petition, ECF No. 1, is **DENIED** and **DISMISSED WITH PREJUDICE**.

Parker has failed to demonstrate "a substantial showing of the denial of a constitutional right," and, therefore, the Court declines to issue any certificate of appealability pursuant to Rule 22(b) of the Federal Rules of Appellate Procedure. *See Miller-El v. Cockrell*, 537 U.S. 322, 335–36 (2003).

Parker is **ADVISED** that because a certificate of appealability is denied by this Court, he may seek a certificate from the United States Court of Appeals for the Fourth Circuit. Fed. R. App. P. 22(b); Rules Gov. § 2254 Cases in U.S. Dist. Cts. 11(a). **If Parker intends to seek a certificate of appealability from the Fourth Circuit, he must do so within thirty (30) days from the date of this Final Order. Parker may seek such a certificate by filing a written notice of appeal with the Clerk of the United States District Court, United States Courthouse, 600 Granby Street, Norfolk, Virginia 23510.**

The Clerk shall mail a copy of this final order to Parker and counsel of record for respondent.

  
Raymond A. Jackson  
United States District Judge

Norfolk, Virginia  
January 24, 2022